

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
EL DORADO DIVISION

THE ESTATE OF JERRY F. ROGERS,
DECEASED; PERSONAL REPRESENTATIVE,
CHERYL ROGERS, both as ADMINISTRATOR
OF THE ESTATE OF JERRY F. ROGERS,
DECEASED and INDIVIDUALLY ON BEHALF
OF THE STATUTORY HEIRS, JERI LYNN
ROGERS GANDY; MELISSA KAY ROGERS
WILLIAMS; AND JAMES F. ROGERS

PLAINTIFFS

v.

Case No. 1:20-cv-1005

DAVITA INC. d/b/a DAVITA SOUTH
ARKANSAS DIALYSIS

DEFENDANT

ORDER

Before the Court is Plaintiffs' Motion to Dismiss pursuant to Federal Rule of Civil Procedure 41(a)(2). ECF No. 16. Plaintiffs have advised the Court that they no longer wish to pursue this cause of action and ask the Court to dismiss the case. Upon consideration, the Court finds that the motion should be and hereby is **GRANTED**. The above case is hereby **DISMISSED WITHOUT PREJUDICE**, with the condition that if the matter is refiled Plaintiff will be ordered to pay any additional costs and reasonable attorney's fees that Defendant incurs as a result of refiling.

IT IS SO ORDERED, this 26th day of March, 2021.

/s/ Susan O. Hickey

Susan O. Hickey

Chief United States District Judge